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Liaison Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN D. GARTNER, derivatively
on behalf of MUSCLEPHARM
CORPORATION,

Plaintiff.

V.

BRAD PYATT, LAWRENCE S. MEER,
DONALD W. PROSSER, RICHARD
ESTALELLA, JEREMY R. DELUCA,
MICHAEL J. DORON, CORY
GREGORY, L. GARY DAVIS, JAMES
J. GREENWELL, JOHN H. BLUHER,
and DANIEL J. MCCLORY.

Defendants,
and

MUSCLEPHARM CORPORATION

Nominal Defendant.

Case No.: 2:16-cv-00553

**STIPULATION AND [PROPOSED]
ORDER REGARDING
VOLUNTARY DISMISSAL**

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD
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3 WHEREAS, there is currently a shareholder derivative action on behalf of nominal party
4 MusclePharm Corporation, against certain of its current and former directors and officers
5 pending before this Court;

6 WHEREAS, the parties hereby stipulate to the dismissal of the action under Rule 41 of
7 the Federal Rules of Civil Procedure without prejudice;

8 WHEREAS, the parties agree that each party shall bear its own costs and expenses; and

9 WHEREAS, no defendant in this action has entered into a settlement with plaintiff in
10 connection with this voluntary dismissal and neither plaintiff nor their counsel have received, nor
11 will receive, any form of consideration from any defendant in exchange for the dismissal of this
action.

12 IT IS HEREBY STIPULATED AND AGREED by the parties, through their
13 respective counsel of record, as follows:

14 1. The action shall be dismissed without prejudice; and
15 2. Each party shall bear its own costs and expenses.

16 Dated this 14th day of November, 2016.

17 Dated this 14th day of November, 2016.

18 **McDONALD CARANO WILSON LLP**

19 **MUCKLEROY LUNT, LLC**

20 By: /s/ Jeff Silvestri
21 JEFF SILVESTRI, ESQ. (#5779)
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24 *Attorneys for Richard Estalella,
25 Michael J. Doron and Cory Gregory*

26 By: /s/ Martin Muckleroy
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ORDER
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IT IS SO ORDERED.
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UNITED STATE DISTRICT JUDGE

DATED: _____

Respectfully Submitted by:

MUCKLEROY LUNT, LLC

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Attorneys for Plaintiff